

Testimony of

Will Lightbourne, Director
California Department of Social Services
and
Frank Mecca, Executive Director
County Welfare Directors Association

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Subcommittee on Human Resources

“Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth”

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Chairman Reichert, Ranking Member Doggett, and members of the subcommittee, we appreciate the opportunity to submit testimony for the record on this important issue concerning opportunities for foster youth to engage in age-appropriate activities that support and nurture their well-being.

Our testimony today will focus on California’s Reasonable and Prudent Parent policy which provides the standards by which foster parents and group home providers can consider age-appropriate enrichment, extracurricular, and social activities for the foster child(ren) in their care.

The State law and regulations previously prohibited youth from participating in extracurricular activities unless certain requirements were met. Our reasonable and prudent parent policy establishes standards with an eye towards “normalizing” the foster care experience without compromising safety. The new law became effective in 2003 which provides caregivers the ability to determine the appropriateness of activities for foster children by taking in consideration a child’s age, maturity, and developmental level. A caregiver must also consider the nature and inherent risks of harm, and the best interest of a child based on information known about a child.

The Reasonable and Prudent Parent Standard (RPPS) is defined to mean the standard characterized by careful and sensible parental decisions that maintain the child’s health, safety, and best interests. *The law permits a foster parent to approve or disapprove a foster child’s participation in activities based on the foster parent’s own assessment using a reasonable and prudent parent standard, without prior approval of the social worker, licensing or approval agency, or the Juvenile court.*

Implementation of the law:

Subsequent to legislation, the California Code of Regulations was amended to incorporate the RPPS into regulations governing licensed children's residential facilities. The regulations require caregivers to apply the RPPS to general decision-making about a child. They also require that caregivers apply the RPPS to other care and supervision for a child and permit a child to participate in activities.

Counties were provided guidance through a number of informational releases that addressed the application of RPPS regulations specific to short-term babysitters, foster family homes, certified foster homes, group homes, and training. Caregivers must apply the RPPS in a manner that is in compliance with regulations and consistent with CDSS guidance. When necessary, caregivers must be prepared to demonstrate their determinations in applying the RPPS to the licensing agency. If the RPPS is not applied in compliance with regulations, the licensing agency may issue a citation. CDSS provides training on the RPPS to prospective and existing caregivers and licensees in various formats and at different venues throughout the year.

What the law means to foster parents and children:

Every day, parents make important decisions about their children's activities. Foster parents are faced with making the same decisions for the foster children in their care. However, when foster parents make decisions they also must consider licensing or approval laws and regulations. The RPPS empowers foster parents to approve or disapprove activities based on their own assessment using a "reasonable and prudent parent standard".

The law recognizes the importance of making every effort to normalize the lives of foster children. A foster parent can more easily plan their activities such as scheduling a medical appointment, go grocery shopping or attend an adult social gathering. The law allows foster parents to arrange for occasional short-term babysitting without requiring the babysitter to undergo a criminal record background check. Foster youth can participate in school field trips, play sports, sleep-over with friends, take part in scouting and other activities that are important to a child's wellbeing, not only emotionally, but in developing valuable life-coping skills. Additionally, foster parents can better assist youth prepare for adulthood by actively involving them in important life skills such as cooking and doing laundry; prior to the law, foster parents could not allow youth to handle certain household appliances and had to keep cleaning products locked away.

Additional efforts to support foster parents and youth:

Last year CDSS in partnership with the County Welfare Directors Association of California (CWDA) launched the Continuum of Care Reform (CCR) effort. Authorized through legislation, the CCR will develop recommended revisions to the state's current rate setting system, services and programs serving children and families in the continuum of foster care eligible placement settings. The CCR strives to reduce the use

of institutional-type care (i.e. group homes) and increase use of family-based care with appropriate supports and services to meet the individual needs of foster children. Through the CCR efforts, a detailed action plan will be developed and provided to the California Legislature by October 1, 2014. This action plan will include information on current reform improvements made administratively and recommended legislative changes to improve the continuum of care.

In 2009, CDSS in collaboration with the CWDA, Youth Law Center, caregivers, biological parents, community partners and private agencies initiated a pilot project through the Quality Parenting Initiative. The goal of the initiative is to develop a statewide approach to recruiting and retaining high-quality caregivers to provide excellent care to children in California's Child Welfare System. It is recognized that attracting and retaining quality caregivers is critical to the success of all child welfare improvement efforts. The Initiative encourages foster caregivers and county staff to identify and address barriers to recruitment and retention and works to address those barriers through changes in local and statewide policies and practices. Issues addressed by the initiative include; communicating and coordinating with social workers, sharing case information, training, supporting family connections, and developmentally appropriate parenting. Advisors to the project include state and county staff, caregivers, biological parents, community partners, and private agencies.

Educational achievement can be the crucial difference in the lives of all young people but, for children and youth in foster care, a successful and stable educational career can be all the more difficult because of the numerous disruptions in their lives. To assist foster parents, California has implemented funding for educational travel that provides transportation funding to foster parents to enable foster youth to continue in their school of origin. This effort helps foster youth to maintain very important connections and continuity with their previous relationships with peers at school, teachers, academics, and any activities related to their school such as band, etc. Keeping kids in their schools of origin is a big step towards keeping the child's life as "Normal" as possible despite being in foster care.

To assist foster families when damages occur that results in a lawsuit, California established the Foster Family Home and Small Family Home Insurance Fund. The fund pays, on behalf of foster family homes, certain liability claims of foster children, their parents, or their guardians stemming from an accident that results in bodily or personal injury neither expected nor intended by the foster parent. The liability insurance provided by the fund does not cover intentional or criminal acts against foster children.

What more can be done:

Reasonable and prudent parenting policies are essential in creating a foster home environment that allows for careful and sensible parental decisions, however more work is needed in the following areas.

- Adequate support for recruitment and retention of foster homes, including child care before and after school, and respite care.
- Foster parents need additional support when there are multiple children placed in the home. It can be difficult for the foster parent to provide transportation to extracurricular activities when there are also medical appointments, court dates, visitation requirements, and so forth.
- Adequate funding is not available to provide foster youth access to the normal activities that would significantly contribute to their well-being. Title IV-E does not cover expenses that enable foster youth to participate in extracurricular activities, such as registration costs, uniforms and equipment needed for sports activities, nor does it support activities that are typically enjoyed by most youth, including prom or taking driving lessons, for example. Kids that attend poor schools lack access to enrichment programs and activities outside of school are rarely free.
- Federal child welfare policy requires states to place first with relatives but there is no federal funding stream to support non-federally eligible relative placements. This is due to the fact that outdated Title IV-E rules tie eligibility to 1996 Aid to Families with Dependent Children standards, resulting in some foster kids placed with relatives who don't qualify for Title IV-E funding. In California, approximately 37 percent of foster children are placed with relatives. Many relatives are more likely to be poor themselves and are more likely to be caring for sibling groups. Particularly vulnerable are the relatives who are caring for non-federally eligible foster children.

Conclusion:

The California Department of Social Services and the County Welfare Directors Association are strongly committed to supporting foster parents and youth through improvements to the child welfare system. We appreciate the opportunity to submit this statement for the hearing record and we would welcome the opportunity to work with Subcommittee members to improve the nation's child welfare system.

Will Lightbourne
Director
California Dept. of Social Services
744 P Street M.S. 8-17-11
Sacramento, California 95814
Telephone: (916) 657-2598

Frank J. Mecca
Executive Director
County Welfare Directors Association of
California
925 L Street, Suite 350
Sacramento, California 95814
Telephone: (916) 443-1749

Additional Contacts

Katie Wheeler Mathews
Deputy Director
Office of Governor Jerry Brown
134 Hall of the States
Washington, D.C. 20001
Telephone: (202) 624-5275
E-mail: kmathews@wdc.ca.gov

Tom Joseph
Director, CWDA Washington Office
900 Second Street, Suite 109
Washington, DC 20002
Telephone: (202) 898-1444
E-mail: tj@wafed.com